

TOWN OF SEEKONK

WARRANT/MINUTES



March 27, 2021

Original date 11/9/20

FALL TOWN MEETING

Town Moderator

Peter Hoogerzeil

Town Clerk

Florice Craig

Board of Selectmen

Justin Sullivan, Chairman

Christopher Zorra, Vice
Chairman

David F. Viera, Clerk

David Andrade

Adam Petronio

Finance Committee

Matthew Salisbury, Chairperson

Michael Brady

Derick Medeiros

Phillip Yan

Normand Duquette

Michael Healy

Nelson Almeida

Town Administrator

Shawn E. Cadime

Town of Seekonk - Fall Town Meeting

November 9, 2020 (Original date)
March 27, 2021 (Held)

BRISTOL, SS.

The meeting opened with the Pledge of Allegiance:

Assistant Town Clerk was sworn in to order to open the meeting in the absence of the Town Clerk. The Assistant Town Clerk read the greeting: *In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on:*

Saturday, March 27, 2021 at 12:00 PM

To vote on the following Articles. The Meeting was called to order by the Assistant Town Clerk at 12:20PM with a quorum of 78 registered voters and the meeting was turned over to the Town Moderator, who shall preside at said Meeting.

Town Moderator made a motion to allow the following non-residents to speak at the meeting:

Shawn Cadime, Town Administrator; Carol-Ann Days, Asst. Town Administrator & Human Resource Director; Bruce Alexander, Director of Finance; Christine DeFontes, Treasure/Collector; Kate Hibbert, Library Director; Brittney Faria; Director, Human Services Council; John Aubin, III Town Planner; Dr. Richard Drolet, School Superintendent; Jill Brilhante, School Dept. Finance Administrator; Zachary Waddicor, Asst. Superintendent for Teaching & Learning; Town Counsel, KP LAW; James LaFlame, Veterans Agent; Jennifer Miller, Conservation Agent; Rob Bernardo, Water Superintendent; Brian Darling, Health Agent

Action on the motion: Motion passed with a unanimous vote.

Town Moderator made a motion to allow the Town Moderator to proceed with all articles, even those that affect him/her personally.

Action on the motion: Motion passed with a unanimous vote.

Town Moderator made a motion to allow the Town Moderator to declare a 2/3 vote on article requiring that vote.

Action on the motion: Motion passed with a unanimous vote.

ARTICLE 1

To receive the reports, if any, of Town Officers or Committees and to act thereon, or take any action relative thereto.

A motion was made that the Town vote to receive the reports, if any, of Town Officers or Committees and to place them on file with the Town Clerk.

Action on the motion: Motion passed.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation the sum of \$83,000.00 to fund the purchase and installation of an emergency reporting system which will replace the discontinued Vision 21 system, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.

A motion was made that the Town appropriate from Free Cash the sum of \$83,000.00 for the purchase and installation of an emergency reporting system to replace the discontinued Vision 21 system, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen.

Action on the motion: Motion passed

ARTICLE 3

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation the sum of \$48,000.00 to fund the purchase and installation of irrigation wells and irrigation control panels for the Water Lane athletic fields, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any other action

A motion was made that the Town vote to appropriate from Free Cash the sum of \$48,000 for the purchase and installation of irrigation wells and irrigation control panels for the Water Lane athletic fields, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen.

Action on the motion: Motion passed

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation the sum of \$157,000.00 to fund the purchase and installation of guardrails, paving, landscaping and other site work at the Town Hall playground, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.

A motion was made that the Town appropriate the sum of \$157,000.00 from the Free Cash for the purchase and installation of guardrails, paving, landscaping and other site work at the Town Hall playground, including all incidental and related expenses, to be expended under direction of the Board of Selectmen.

Action on the motion: Motion passed

ARTICLE 5

To see if the Town will raise and appropriate, transfer from available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the sum of \$50,000.00 to be expended for Public Safety Building repairs and upgrades, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.

A motion was made that the Town vote to appropriate from Free Cash the sum of \$50,000.00 to be expended for the Public Safety Building repairs and upgrades, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen.

Action on the motion: Motion passed

ARTICLE 6

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation the sum of \$144,310.00 to fund the purchase and equipping of a Trackless Machine, including all incidental and related expenses, to be used by the Department of Public Works, to be expended under the direction of the Board of Selectmen, or that any other action relative thereto.

A motion was made that the Town vote to appropriate from Sanitation Enterprise Fund Retained Earnings the sum of \$144,310 to be expended for the purchase and equipping of a Trackless Machine, including all incidental and related expenses, for use by the Department of Public Works, to be expended under the direction of the Board of Selectmen.

A Motion was made to indefinitely postpone this article. Action on the motion: Motion passed to indefinitely postpone.

ARTICLE 7

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation in the sum of \$500,000.00 to fund the construction of an ADA compliant sidewalk, new curbing, and wooden guardrail along the east side of Arcade Avenue from 540 Arcade Avenue (Seekonk Human Services) to the intersection of Arcade Avenue and Ledge Road, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

A motion was made that the Town vote to appropriate from Free Cash the sum of \$500,000.00 to fund the construction of an ADA compliant sidewalk, new curbing, and wooden guardrail along the east side of Arcade Avenue from 540 Arcade Avenue (Seekonk Human Services) to the intersection of Arcade Avenue and Ledge Road, including all incidental and related expenses to be expended under the direction of the Board of Selectmen.

A motion was made to amend the original motion: To say that the motion includes the cost of a pedestrian light and would also include looking into the cost of a full traffic light at the intersection of Arcade and Ledge road.

Action on the motion: Motion passed.

ARTICLE 8

To see if the Town will vote to transfer from available funds the sum of \$500,000.00 to the Municipal Capital Stabilization Fund, or take any other action relative thereto.

A motion was made that the Town vote to transfer from Free Cash the sum of \$500,000.00 to the Municipal Capital Stabilization Fund.

Action on the motion: Motion passed.

ARTICLE 9

To see if the Town will vote to accept Clause 56 of Massachusetts General Laws, Chapter 59, Section 5, allowing members of the Massachusetts National Guard or military reservist who are on active duty to obtain a reduction of all or part of their real estate and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning fiscal year 2022, or take any other action relative thereto.

A motion was made that the Town vote to accept Clause 56 of Massachusetts General Laws, Chapter 59, Section 5, allowing members of the Massachusetts National Guard or military reservist who are on active duty to obtain a reduction of all or part of their real estate and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning fiscal year 2022.

Requires reaffirmation every two years

Action on the motion: Motion passed

ARTICLE 10

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, located in Seekonk, containing 8.49 acres, more or less, being Assessor's Map, Plat 18, Lot 7 (464 Taunton Avenue); Assessor's Map, Plat 18, Lot 169 (472 Taunton Avenue) and Assessor's Map, Plat 18, Lot 208 (0 Arcade Avenue (Rear)), and to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, a sum not to exceed XXX to fund said acquisition and to reconstruct and/or renovate the building on said property; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this article, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, or take any other action relative thereto.

A motion was made that the vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, located in Seekonk, containing 8.49 acres, more or less, being Assessor's Map, Plat 18, Lot 7 (464 Taunton Avenue); Assessor's Map, Plat 18, Lot 169 (472 Taunton Avenue) and Assessor's Map, Plat 18, Lot 208 (0 Arcade Avenue (Rear)), and to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, a sum not to exceed XXX to fund said acquisition and to reconstruct and/or renovate the building on said property; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this article, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable

Motion was made to indefinitely postponed Article 10. Action on the motion: Motion passed to indefinitely postpone.

ARTICLE 11

To see if the Town will vote to amend Section 3.2 of the Town of Seekonk Zoning By-laws and the Zoning Map by changing the zoning designation of the property located at 0 Taunton Avenue and Elder Street, and identified as Seekonk Assessor's Plat 12, Lots 489, 490, 491, 492, 493, 494, and 495, containing approximately .45 acres of land from Highway Business Zone to Local Business Zone, or take any other relative thereto.

A motion was made that the Town amend Section 3.2 of the Town of Seekonk Zoning By-laws and Zoning Map by changing the designation of the property located at 0 Taunton Avenue and Elder Street, and identified as Seekonk Assessor's Plat 12, Lots 489, 490, 491, 492, 493, 494, and 495, containing approximately .45 acres of land from Highway Business Zone to Local Business Zone.

A Motion was made to indefinitely postponed Article 11. Action on the motion: Motion passed to indefinitely postpone.

ARTICLE 12

To see if the Town will vote to authorize, and request that, the Board of Selectmen negotiate with qualified vendors for a lease agreement to develop a photovoltaic electric power production facility at the former Town Landfill at 0 Fall River Avenue Rear, at no cost to the taxpayers, in accordance with Massachusetts State Law, Chapter 25, Section 11C or Section 11I, and the Massachusetts Department of Energy Resources SMART Program, and take any other actions as required thereto. This property is at the end of Ray Hodde Way and is Lot 51 on the Town of Seekonk Tax Assessor Map 11.

A motion was made To see if the Town will vote to authorize, and request that, the Board of Selectmen negotiate with qualified vendors for a lease agreement to develop a photovoltaic electric power production facility at the former Town Landfill at 0 Fall River Avenue Rear, at no cost to the taxpayers, in accordance with Massachusetts State Law, Chapter 25, Section 11C or Section 11I, and the Massachusetts Department of Energy Resources SMART Program, and take any other actions as required thereto. This property is at the end of Ray Hodde Way and is Lot 51 on the Town of Seekonk Tax Assessor Map 11.

Action on the motion: Motion passed.

ARTICLE 13

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or authorize the Town Treasurer to borrow up to \$350,000.00 under provisions of MGL Chapter 44, Section 7, for the cost to renovate or reconstruct and furnish the age 18-22 Transition Program located at Seekonk High School, including all incidental and related expenses, to be expended under the direction of the School Committee, or take any other action relative thereto.

A motion was made that the Town appropriate from Free Cash the sum of \$350,000.00 for the renovation or reconstruction and furnishing the age 18-22 Transition Program at Seekonk High School, including all incidental and related expenses, to be expended under the direction of the School Committee.

Action on the motion: Motion passed.

ARTICLE 14

To see if the Town will amend the Zoning By-Laws of the Town of Seekonk as presented in this article, or take any other action relative thereto.

Fall 2020 Draft Zoning By-Law Amendments

Please note: Each amendment is presented below with existing language to be deleted indicated by ~~striketrough~~ and proposed new language indicated by underline. Where a portion of a section or subsection is proposed for amendment it is denoted by “parentheses” and ... before and/ or after ... to indicate the language not quoted. Additional comments or information needs are denoted by [brackets].

Amendment 1:

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Amend Section 6. OVERLAY AND SPECIAL DISTRICTS as follows:

6.10 ~~Medical~~ Marijuana Overlay District (MOD)

Comment: The amendment correct the reference to the Marijuana Overlay District

Amendment 2:

Section 5 DIMENSIONAL REGULATIONS –

Amend **Table 5.1.4** as follows:

5.1.4 Dimensional Table

District	Minimum Lot Area (Square Feet) ¹²	Maximum Building Coverage (%) ¹²	Minimum Frontage ¹ (Feet)	Minimum Depth of Front Yard/ Corner Side Yard (Feet) ²	Minimum Depth of Rear Yard (Feet)	Minimum Width of Each Interior Side Yard	Maximum Height (Stories/ Feet)
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LBD	10,000	40	50	15/15 ^{6,7}	See note 8	15 Feet ^{6,7}	3/40
HBD	10,000	30	50	70/50 ^{6,7}	See note 8	15 Feet ^{6,7}	3/40
LCVD	10,000	75	50	0/0 ^{6,7}	See note 8	5 Feet ^{6,7}	4/45

⁸When a rear yard abuts a lot in a residence district, the rear yard shall be of the same depth as the required ~~more restrictive yard, side or rear yard setback of the abutting residential lot.~~ When a rear yard abuts a street,

the rear yard shall be of sufficient depth to provide the required off-street loading space outside of the street right of way.

Comment: The Building Official has requested a review of the above language in footnote 8 regarding the applicable rear yard setback for structure in Commercial Zoning Districts. The proposed language amendment(s) are intended to clarify the intent of the provision.

Amendment 3:

Section 4.3

Amend **Section 4.3.2 Extension** as follows:

4.3.2 Extension

Lawfully nonconforming structures or uses may be extended or altered by special permit upon a finding by the SPGA that such change, extension, or alteration shall not be substantially more detrimental than the lawfully nonconforming structure or use to the neighborhood. However, in the Residential 4 (R-4) zoning district, where a pre-existing lot of record, having not less than 75% of the required frontage (150'), and otherwise meeting the area requirements as set forth for the "alternate minimum standard" in footnote 3 to Section 5.1.4 Dimensional Table a lawfully nonconforming structure or use may be extended or altered by right, without the grant of a special permit by the Zoning Board of Appeals, subject to all other requirements and standards as set forth in this By-law. This section shall not be deemed to require a special permit to allow an accessory use or accessory structure on a non-conforming lot however all other applicable dimensional, use, or other requirements of this by-law shall remain applicable with regard to such accessory uses or accessory structures.

Comment: The Zoning Board has requested that the Planning Board consider an amendment to address the fact that under the current language governing nonconforming lots special permits are required to allow accessory structures such as pools despite not really being an "expansion" of the principle use. The Zoning Board had originally requested exempting pools from the definition of a structure however due to the fact that the building code classifies them as such the Planning Board, to avoid conflict with the Building Code, proposes the above amendment which would exempt accessory structures from being considered an "expansion" of the principle residential use.

Amendment 4:

Section 8.9 Kennels

Amend **Section 8.9.2** as follows:

8.9.2 Drainage: Adequate drainage that conforms with Section 8.2 3 of these zoning By-laws must be provided for all kennels regardless of size.

Comment: The Proposed amendment corrects reference within the subject section.

Amendment 5:

Section 8 Development and Design Standards - 8.10 Corner Visibility

Amend **Section 8.10** as follows:

8.10 Corner Visibility

Within any required front or corner side yard on any corner lot, no wall, fence, sign post, structure, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of 2½ feet and 10 feet above the existing grade within ~~60~~ 5 feet of the ~~intersection of any street right of way lines or their extension~~ so as to preserve adequate sight distances and public safety.

Comment: The Building Official has requested a review the above language in regarding the obstruction of visibility at intersections particularly with regard to the application of the language “within 60 feet of the intersection of any street right of way lines or their extension” as well as the application of the provision to free standing signage.

Amendment 6:

Section 9.2 Conservation Subdivision Design

Amend Section 9.2.15.1 Density Bonus Option as follows:

Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the ~~Groundwater Aquifer~~ Water Resource Protection District, as defined in Section 6.4 of this by-law, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:

Comment: This amendment updates a reference to reflect the currently adopted **Section 6.4 Water Resource Protection District**

Amendment 7:

Section 9.2 Conservation Subdivision Design

Amend Section 9.2.15.1 Density Bonus Option as follows:

b.) The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development. and to that end the applicant shall file, as part of the final plan submissions for a conservation development, a plan of the typical residential structure to be constructed in the development. Said plans shall be incorporated by reference in any decision of the SPGA. Any affordable units constructed pursuant to this provision shall conform to the plan as incorporated into the Planning Board’s decision.

Comment: The intent of this amendment is to better ensure the consistency of any affordable units constructed under the conservation subdivision provisions with the other structure in a development in order to ensure the development of quality affordable housing opportunities within the Town of Seekonk.

Amendment 8:

Section 9.2 Conservation Subdivision Design

Amend Section 9.2.15.2 Alternate Provision of Units as follows:

- (b) Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality, i.e. an agreement, endorsed by all necessary parties to allow for a community development corporation or other qualified agency or entity dedicated to the creation of affordable housing, acceptable to the Planning Board ensuring its continuing affordability; or

Comment: The intent of this amendment is to support alternate means for the provision of affordable units within conservation subdivision through agreements to develop such units with community development corporations or other qualified organizations dedicated to the create of affordable housing.

Amendment 9:

Section 9.2 Conservation Subdivision Design

Amend Section 9.2.15.2 Alternate Provision of Units as follows:

- (e) In accordance with Section 9.2.15.1 above, ~~The~~ Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

Comment: The intent of this amendment is to better ensure the consistency of any affordable units constructed under the conservation subdivision provisions with the other structure in a development in order to ensure the development of quality affordable housing opportunities within the Town of Seekonk

A motion was made that the town amend the Zoning By-laws of the Town of Seekonk as presented in Amendments 1 through 9 in this warrant.

2/3 Vote Required

Action on the motion: Motion passed with a 2/3 majority

ARTICLE 15

To see if the Town will amend Section 7 of the Zoning By-Laws of the Town of Seekonk by deleting the word “reserved” and inserting the following as presented in this article, or take any other action relative thereto.

Inclusionary Housing Requirement

Section 7.1. Purpose.

The purposes of the Inclusionary Housing Bylaw are to produce high-quality dwelling units affordable to low- or moderate-income households, to encourage the provision of more housing choices in Seekonk, to promote geographic distribution of affordable housing units throughout the Town and avoid over-concentration, to prevent the displacement of low- or moderate-income residents of Seekonk, to assist the Town in addressing "local housing need" as defined in MGL c. 40B, §§ 20 through 23, and to assist the Town in implementing its Affordable Housing Plan.

§ 7.2. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

ACCESSIBLE — As applied to the design, construction, or alteration of a dwelling unit, accessible housing is a housing unit that can be approached, entered, and used by individuals with mobility impairments.

AFFORDABLE HOUSING RESTRICTION — A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Seekonk, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. An affordable housing restriction shall be enforceable under the provisions of MGL c. 184, § 32, and be approved by the Department of Housing and Community Development

through the Local Initiative Program.

AFFORDABLE HOUSING TRUST FUND — A fund account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing opportunities in the Town of Seekonk.

AFFORDABLE HOUSING UNIT — A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at 760 CMR 56.02, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program.

DWELLING UNIT — A dwelling unit or a unit within an assisted-living facility.

LOCAL INITIATIVE PROGRAM — A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 56.00 et seq. and the Local Initiative Program Guidelines to develop and implement local housing initiatives that produce low- and moderate-income housing.

LOW- OR MODERATE-INCOME HOUSEHOLD — A household with

income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Seekonk as determined annually by the U. S. Department of Housing and Urban Development (HUD).

MAXIMUM AFFORDABLE PURCHASE PRICE OR RENT — A selling

price or monthly rent, exclusive of utilities, that meets the maximum purchase price or rent guidelines of the Local Initiative Program.

QUALIFIED PURCHASER — A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.

QUALIFIED RENTER — A low- or moderate-income household that rents and occupies an affordable housing unit as a tenant.

SUBSIDIZED HOUSING INVENTORY — The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 56.02.

Section 7.3. Applicability.

- A. This bylaw applies to all developments involving the creation of four or more dwelling units or four or more lots for residential use with the exception of developments approved pursuant **Section 9.2 Conservation Subdivision Design**. Developments may not be segmented to avoid compliance with this bylaw.
- B. This bylaw This bylaw does not apply to any development for which a complete application for a special permit, a subdivision of land, or a plan of land that does not require Planning Board approval under MGL c. 41, § 81P, has been submitted to the Town Clerk prior to the adoption of this bylaw by TownMeeting.

Section 7.4. Mandatory provision of affordable housing units.

In any development subject to this bylaw, the fourth housing unit and every fourth unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this bylaw.

Section 7.5. Methods of providing affordable housing units.

The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units by a development that is subject to this bylaw:

- A. The affordable housing units may be constructed or rehabilitated on the locus of the development.
- B. The affordable housing units may be constructed or rehabilitated on a locus different than that of the development. The Planning Board, in its discretion, may allow a developer of nonrental dwelling units to develop, construct or otherwise provide affordable units equivalent to those required by this bylaw in an off-site location in the Town of Seekonk. All requirements of this bylaw that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units shall be approved by the Planning Board as an integral element of the development review and approval process.
- C. A donation of land may be made in lieu of providing affordable housing units. An applicant may offer, and the Planning Board may accept, subject to approval of the Select Board, donations of land in fee simple, on- or off-site, that the Planning Board determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater

than the value of the construction or set-aside of the affordable units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

- D. An equivalent fee in lieu of units may be made. The Planning Board, in its discretion, may allow a developer of nonrental dwelling units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable unit required by Section 7.4. The cash payment, or equivalent value in land or buildings, shall be equal to the difference between the median single-family home sale price in Seekonk for the most recent three fiscal years, as determined by the Board of Assessors, and the price of an affordable housing unit for a qualified purchaser, assuming a household size of 1.49 persons per bedroom, rounded to the nearest whole person.

Section 7.6. Administration; location of affordable units; selection of purchasers or renters.

- A. The Planning Board shall be charged with administering this bylaw and shall promulgate rules and regulations to implement its provisions, including but not limited to submission requirements and procedures, methods of setting the maximum affordable sale price or rent, minimum requirements for a marketing plan, and documentation required by the Town to qualify the affordable housing units for listing on the Chapter 40B Subsidized Housing Inventory.
- B. Affordable dwelling units shall be dispersed throughout the building(s) in a development and shall be comparable to market housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.
- C. The Planning Board, in its discretion, may require the provision of an accessible unit(s), up to 5% of the total number of units, and may designate when the unit(s) shall be provided during the construction process.
- D. The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan approved by the Planning Board. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan must describe how the applicant will accommodate local preference requirements, established by the Select Board, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.
- E. Developers may sell affordable units to the Town of Seekonk, the Seekonk Housing Authority, or to any nonprofit housing development organization serving Seekonk, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

Section 7.7. Timing of construction.

- A. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units or payment of fees in lieu of providing affordable units be delayed beyond the schedule below. Fractions of units shall not be counted.

Percentage of Market-Rate Units	Percentage of Affordable Housing Units

Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

- B. Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

Section 7.8. Preservation of affordability; restrictions on resale.

- A. An affordable housing unit created in accordance with this bylaw shall be subject to an affordable housing restriction or regulatory agreement that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall meet the requirements of the Town and the Local Initiative Program, and shall be in force for the maximum period allowed by law.
- B. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of MGL c. 184, §32.
- C. The Planning Board shall require that the applicant comply with the mandatory provision of affordable housing units and accompanying restrictions on affordability, including the execution of the affordable housing restriction or regulatory agreement.
- D. All documents necessary to ensure compliance with this bylaw shall be subject to the review and approval of the Planning Board and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any certificate of occupancy.

Section 7. 9. Severability; conflict with other laws.

- A. To the extent that a conflict exists between this bylaw and other bylaws of the Town of Seekonk, the more restrictive provisions shall apply.
- B. If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this bylaw shall not affect the validity of the remaining sections or parts of sections or the other bylaws of the Town of Seekonk.

Comment: The proposed by-law would require the inclusion of 25% affordable housing units as part of any development creating four or more residential units or new lots for development. For example with the

A motion was made that the Town amend Section 7 of the Zoning By-laws of the Town of Seekonk as presented in this warrant.

2/3 Vote Required

mandatory percentage of 25% (2.5 times the required 10% state mandate) for any development greater than 4 units would result in 1 affordable unit being constructed for every 3 market rate units. In addition to review of the proposed the by-law language overall the Planning Board may wish to exclude developments authorized under **Section 9.2 Conservation Subdivision Design** retaining the voluntary “density bonus” affordable housing provisions contained there as an incentive to utilize the conservation subdivision provisions.

A Motion was made to indefinitely postponed Article 15. Action on the motion: Motion passed to indefinitely postpone.

ARTICLE 16

To see if the Town will vote, pursuant to G.L. c.43B, §10(a), to amend the Town Charter as set forth in a document attached to this warrant as “Appendix A”, and as on file with the Town Clerk and posted on the website at www.seekonk-ma.gov, with text to be inserted shown in red, and with explanations, not intended to be part of the Charter shown in italics and preceded by the word “NOTE:”, or take any other action relative thereto.

A motion was made that the Town vote, pursuant to G.L. c.43B, §10(a), to amend the Charter of the Town of Seekonk by making the revisions shown in red font in the document attached to the warrant as “Appendix A”, and excluding all explanatory text in italics preceded by the word “NOTE”.

2/3 Vote Required

A Motion was made to indefinitely postponed Article 16. Action on the motion: Motion passed to indefinitely postpone.

ARTICLE 17

To see if the Town will vote to amend the Town Bylaws to insert a new category, Category 51, entitled, “PILOT Agreements – Renewable Energy Facilities”, as follows, or take any other action relative thereto: The Board of Selectmen is hereby authorized to enter into one or more agreements for “payments in lieu of taxes” (or “PILOT”) pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, with the owners of renewable energy facilities located within the Town for terms of up to 30 years. Further, the Board is authorized to take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town.

A motion was made to amend the Town Bylaws by inserting a new Category 51, entitled, “PILOT Agreements – Renewable Energy Facilities”, all as printed in the warrant under Article 17.

Action on the motion: Motion passed

ARTICLE 18

To see if the Town will vote to enact Category 27 of the Town of Seekonk General Bylaws, entitled “Special Event Permit”, for the purpose of regulating certain outdoor public events within the Town, or take any other action relative thereto

CATEGORY 27 – SPECIAL EVENT PERMIT

Section 1— Permit Required

No person shall hold or conduct an entertainment event open to the general public without a personalized invitation such as, outdoor block party, carnival, circus, concert/performance, farmers' market or fair, fine arts exhibits, parades/processions, rental of Town-owned outdoor spaces, public building or facility, road race/walk, or other without first obtaining a special event permit.

Section 2 — Application

Any person applying for such a special event permit shall file an application on a form approved by the Board of Selectmen.

Section 3 — Date of Filing Application

Application for a special event permit shall be filed at least thirty (30) days prior to the Board of Selectmen meeting at which it will be considered in public hearing. Applications for a special event permit shall not be filed more than one (1) year prior to the date(s) when the special event is proposed to be conducted.

Section 4 — Notice to Abutting Owners

The Board of Selectmen shall send special notice by certified mail to all owners of abutting property within two hundred (200) feet of the proposed site of the event and associated parking area(s) containing the time and place of the public hearing regarding said special event. The applicant shall bear the cost of the certified mail.

Section 5 — Safety, Health, and Welfare Requirements

1. The number of police personnel required to be on duty at any special event shall be two (2) police officers for the first one hundred fifty (150) persons attending and one (1) additional officer for each additional one hundred fifty (150) persons attending, to be assigned by the Chief of Police or the Chief's designee. The cost of any police detail shall be paid by the applicant in accordance with Police Department policy or procedure. The Chief of Police shall reserve the right to adjust the number of officers assigned to a special event to ensure the safety of persons attending the event as well as that of public safety personnel.
2. The number of fire and emergency medical services (EMS) personnel required to be on duty at any special event shall be determined by the Fire Chief. The cost of any fire and EMS personnel detail shall be paid by the applicant in accordance with Fire Department policy or procedure.
3. The applicant shall provide a parking plan for any on-street or off-street parking area, with an adequate number of attendants to supervise orderly handling of traffic and with a number of police officers as determined necessary by the Chief of Police.

4. The applicant shall provide litter fences (such as snow fences) around both the entertainment area and the parking area.
5. The applicant shall supply portable toilets at both the site of the special event and the site of the parking area, the number to meet the requirements of Town Health Department and/or State Health Department.
6. All trash and rubbish shall be collected and removed from both the entertainment area and the parking area within twenty-four (24) hours after the conclusion of the event. This requirement may be amended upon written request of the applicant.
7. If a tent or other structure is to be erected in conjunction with the requested special event application, the applicant must comply with applicable building and fire codes.
8. In addition, the applicant shall be responsible for compliance with all state, federal, and local laws relating to health, safety, and welfare of the public at public gatherings.

Section 6 – Final Action on Application

The Board of Selectmen shall take final action on an application for a special event permit within ten (10) days following the close of the public hearing on the application.

Section 7 – Criteria for Approval of a Permit

The Board of Selectmen shall grant a special event permit to an applicant who has:

1. Provided for the services of a sufficient number of personnel authorized to direct traffic who are trained and/or certified;
2. Provided sufficient monitors or security guards and/or specialized “event staff” for crowd control and safety;
3. Provided sufficient safety, health or sanitation equipment, services, or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees;
4. Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event;
5. Provided adequate proof of insurance covering the event;
6. Demonstrated that the proposed special event will comply with all Building Code, Fire Code, and Zoning requirements for the premises on which the special event is to be held and for any property used as an associated parking facility;
7. Paid fees, other required deposits, damages or other costs from prior events or for this event; and
8. Paid all taxes, fees, penalties, and interest to date on the property on which the special event is to be held and for any property used as an associated parking facility.

Section 8 — Hours

Any special event held outdoors in the Town of Seekonk pursuant to a special event permit shall commence no earlier than 8:00 a.m. and shall conclude no later than 11:00 p.m. on the date(s) of the event.

Section 9 — Closing of Premises; Sleeping

Both the premises where the special event is held and the parking area shall be closed as expeditiously as possible after the conclusion of any special event, and no sleeping will be permitted on the grounds or in vehicles in either area.

Section 10 — Permit Fee

The fee for an approved special event shall be payable upon issuance of the permit and shall be in accordance with Category 39 of the By-law and the fee schedule established in Attachment B.

Section 11 — Waivers

Strict compliance with this By-Law may be waived, provided that the Board of Selectmen determines that, in its judgment, in the particular case at issue, waiver of strict compliance would be in the public interest and not have a negative effect on the health, safety, and general welfare of the public. The Board of Selectmen may

also, upon a similar finding, waive strict compliance with this By-Law for any special event that is conducted by, or on behalf of, a non-commercial organization.

Section 12— Penalties for Offenses

This bylaw may be enforced by any means available in law or in equity, including operating a special event if the special event permit is revoked, and shall be subject to non-criminal disposition enforcement in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

A motion was made that the Town enact Category 27 of the Town of Seekonk General Bylaws, entitled “Special Event Permit” for the purpose of regulating certain outdoor public events within the Town, all as set forth in the warrant.

Action on the motion: Motion passed.

ARTICLE 19

To see if the Town will vote to raise and appropriate, transfer from Free Cash or available funds in the treasury, including funds reserved for appropriation, the sum of \$18,000 to fund the cost elements of the first fiscal year of a collective bargaining agreement with the AFL-CIO, Council 93 Local 1701 Department of Public Works, beginning July 1, 2020 through June 30, 2023, or take any other action relative thereto

A motion was made that the Town appropriate from Free Cash the sum of \$18,000 to fund the costs of the first fiscal year of a collective bargaining agreement with the AFL-CIO, Council 93 Local 1701 Department of Public Works, beginning July 1, 2020 through June 30, 2023.

Action on the motion: Motion passed

A Motion was made to dissolve the Town Meeting at 3:00PM

Action on the motion: Motion passed with a unanimous vote.

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS TH DAY OF October, 2020.

Seekonk Board of Selectmen

Justin Sullivan, Chairman

Christopher Zorra, Vice Chairman

David F. Viera, Clerk

David Andrade, Member

Adam Petronio, Member

A True Copy Attest: _____

Date: _____

Constable